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July 10, 2009

Clare Laufenberg Gallardo
California Energy Commission
1516 Ninth Street, MS-46
Sacramento, CA 95814-5512

Re: RETI Phase 2B Draft Report

Dear Ms. Gallardo:

On behalf of Audubon California and our more than 100,000 members and supporters, we appreciate the opportunity to provide comments on the Renewable Energy Transmission Initiative (RETI) Phase 2A Draft Report (Report). We wish to acknowledge the work of the Defenders of Wildlife and their analysis of RETI, Phase 2A, which has helped inform our views on this important policy initiative.

Audubon California strongly supports our state's greenhouse gas emission reduction and renewable energy standards, and we will continue to work with state and federal agencies and renewable energy companies in identifying environmentally responsible solutions to increasing renewable energy production. We believe that such renewable energy production can and must occur without sacrificing our remaining wildlife resources and values.

We believe the most environmentally responsible and least-costly component of the plan to reduce our consumption of carbon-based fuels is the efficient use (conservation) of electrical energy, coupled with rapid expansion of distributed photovoltaic energy production in and adjacent all centers of energy demand and use. The last, but still necessary option, is to build large scale renewable solar energy projects on public land and undisturbed private lands in the California Desert and other often remote areas in California that contain important natural plant and animal communities.

Our comments on specific portions of the Report follow, according to subject:

CREZ and Transmission Line Refinement: While we greatly appreciate the effort made to refine the Competitive Renewable Energy Zones (CREZs) and the associated Transmission Line corridors , the refinement/analysis matrices contained in Appendices C and D, along with the report text and new bubble chart do not provide enough definitive information to enable the reader to understand which CREZs and transmission lines were refined and how environmental factors were used to portray the relative numerical ranking of each one, especially in the California Desert. We recommend that the draft map accompanying the Report be modified such that the boundary of each CREZ, as well as those transmission lines that are new or would require expansion of the footprint, are more clearly discernable to the reader.

The task of refining the CREZs and the environmental ranking of transmission facilities ultimately results in a relative suitability rating or score. It is essential that the environmental rating factors reflect the strong mitigation measures required in the CDCA for certain areas established for conservation of numerous animals, plants and their habitats. These mitigation measures are significant, and if considered in the CREZ and transmission line refinement and ranking process, will likely shift the desirability of certain areas for renewable energy production and transmission to a lower overall ranking. We note in Appendix D of the Report numerous comments inserted calling attention to missing information on environmentally sensitive topics ranging from proximity to parks, wilderness, to endangered species, critical habitat, etc. These comments reinforce the importance of thoroughly analyzing each CREZ and transmission line, including collector lines, in the final Report. We believe this would significantly alter some of the environmental rankings contained in the Report and ultimately result in some CREZ and transmission lines being dropped from consideration.

Each CREZ should have a narrative providing a rationale for either the decision to refine or not refine the CREZ based on sensitive biological resources and values, as well as existing conservation commitments contained in agency land use decisions.

Comments specific to particular CREZ locations: We focus our comments on specific CREZ locations on those that have the potential to impact Important Bird Areas (IBA's) in California. National Audubon Society's designation of Important Bird Areas is the result of a global effort to identify and conserve habitat vital to birds and other biodiversity. Since 1985, Important Bird Areas have been designated in six continents, nearly 200 countries and territories, and 48 of the 50 United States. As of 2008, there were over 10,000 Important Bird Areas throughout the world. Important Bird Areas identify essential sites that provide habitat for (i) rare, threatened or endangered birds, (ii) exceptionally large congregations of shorebirds, or (iii) exceptionally large congregations of waterfowl.

Audubon California has identified 145 Important Bird Areas throughout the state. In May of 2006, we set out to define and map the geographic boundaries of California's Important Bird Areas using a Geographic Information System (GIS). These sites had previously been described in *Important Bird Areas of California* by Daniel S. Cooper (2004), although this work eschewed specific geographical mapping. In 2006, Audubon California saw the need to map the sites in order to more effectively promote their conservation and raise awareness around them.

A two-and-a-half-year process ensued during which GIS maps for each Important Bird Area were generated and reviewed by local birding experts, Audubon chapters, and land managers. This process yielded version 1.0 of a unified geodatabase of California's Important Bird Areas. Audubon California is providing this data layer both through this DVD and through our website (www.ca.audubon.org/iba). It is our view that projects scheduled to be built within the following CREZ's should be conditioned to avoid and if necessary mitigate adverse impacts to the avian values that contribute to their respective designations as IBA's.

> **CREZ 18 – Carrizo South** CREZ overlays with the Carrizo Plain IBA which encompasses 162,000 acres along the San Andreas Fault between the Central Valley and the coast, and includes two large valleys (Carrizo Plain and Elkhorn Plain), a massive seasonal alkali lake (Soda Lake), and low, rolling hills of grass and arid scrub. Jointly managed by the BLM and a host of other public

agencies and non-profits, it represents one of the most significant swaths of protected lands in the state. Taken together with Bitter Creek National Wildlife Refuge just to the southeast, the Wildlands Conservancy's recently-designated Wind Wolves Preserve and the Sespe Wilderness Area, this is one of the few areas in the state that is large and protected enough where, as it is often said, condors can soar down from the hills to feed on the carcasses of Pronghorn and Tule Elk. The plain is within 20 miles of current Condor recovery areas.

This IBA contains the largest remaining example of the San Joaquin Valley ecosystem that within the valley itself were eliminated over a century ago. Periodically flocks of Lesser Sandhill Cranes roost on Soda Lake in wet winters, but the number has declined as dry land fields are converting back to a more natural landscape. Breeding Northern Harrier, Golden Eagle, Prairie Falcon, Burrowing Owl, the *canescens* race of Sage Sparrow all of which have become localized or have all but disappeared from the San Joaquin Valley thrive at Carrizo. Swainson's Hawk was known as a breeder from the San Juan Creek drainage just west of Carrizo (Walton 1978), and could return to the area. On exceptional rainfall years, Soda Lake is occasionally used by thousands of waterfowl and, during spring, for northbound shorebirds, but their numbers are imperfectly known due to difficulty of accessing the habitat at this time. Wintering Golden Eagle, Ferruginous Hawk, Rough-legged Hawks, and resident Short-eared and Long-eared owls occur in one of their last strongholds toward southern California, and in winter, flocks of several hundred to several thousand Long-billed Curlew may be found in the grassland on the valley floor. Mountain Plover winter in flocks totally about 200-300 birds. Burrowing Owls breed on the plain in large numbers. Aside from birds, Carrizo Plain is notable for protecting numerous rare species, including several San Joaquin Valley endemic plants virtually eliminated elsewhere.

CREZ 25 – Owens Valley CREZ overlaps with the riparian habitats associated Owens River among the most extensive in the state. The northern end of the valley has been found to support two riparian breeders widely extirpated as nesters from central and southern California: Bank Swallow and Willow Flycatcher, which persist locally southwest of Fish Slough. Baker Meadow has emerged as one of the consistent spots for Yellow-billed Cuckoo in the state, with up to 9 birds summering recently at Baker Meadow and scattered pairs and singles elsewhere. Virtually all of the riparian birds of this IBA may be found commonly at Baker Meadow (e.g. Yellow-breasted Chat, Summer Tanager). Summer Tanager nears the northern limit of its California range at Baker Meadow, breeding commonly in remnant patches of mature riparian woodland. Swainson's Hawk breed throughout in massive Fremont Cottonwoods on the valley floor, in what is probably the stronghold of their population in Central and southern California. The freshwater marsh habitat supports large numbers of rails, as well as local pockets of summering Least Bittern (e.g. Fish Slough, Billy Lake). At Tinemaha Reservoir, Osprey bred on platforms and winter waterfowl concentrations here are by far the largest in the IBA. Klondike and Warren Lakes also see heavy use by waterfowl. Local water conditions (e.g. draw-downs that expose mudflats) can make wet areas attractive to shorebirds in migration, with 1000+ shorebirds during a recent spring survey at Tinemaha Reservoir. This IBA also supports several species typical of Great Basin meadows, including summering Short-eared Owl particularly along the Owens River southeast of Bishop. Burrowing Owl, nearing extirpation from Owens Valley, may persist just south of Independence.

CREZ 31 – Imperial North CREZ includes habitats of the Imperial Valley that are dependent upon water levels and water delivery infrastructure. The largest California populations of several species occur here, including 30-40% of the global population of wintering Mountain Plover, 70% the state's Burrowing Owls, and the only California population of Gila Woodpecker away from the Colorado River. Late summer, birds dispersing north from the Gulf of California utilize the marshes and flooded fields of the Valley, including Yellow-footed and Laughing gulls and Gull-billed Tern. The impoundments within Finney-Ramer Lakes provide year-round nocturnal roosting sites for herons. Fall roost surveys during 1999 recorded 40,000 Cattle Egrets and nearly 40,000 White-faced Ibis. About half California's winter population of White-faced Ibis occurs here (16,000 birds in mid-1990's. About 300 Sandhill Cranes forage during the day in grain fields. Major nesting colonies of egrets are found at Ramer Lake (Great Egret) and Westmoreland (Cattle Egret).

Agricultural fields support thousands of wintering White-faced Ibis, Long-billed Curlew, both Snow and Ross' geese, and tens of thousands of gulls. Nearly 10,000 Whimbrel were recorded here on one count in April 1989. Unlined irrigation canals support Least Bittern and scarce rails, including small numbers of California Black and Yuma Clapper rails. These are often concentrated around water seeps out of the bases of some levees that support mesquite and riparian vegetation. These micro-wetlands support desert riparian species such as Lucy's Warbler and California's largest population of Vermilion Flycatchers. This vegetation is also critical for the persistence of Colorado Desert species in the area, including Crissal Thrasher, Black-tailed Gnatcatcher, and Abert's Towhee.

CREZ 40 – **Mountain Pass** CREZ is associated with the East Mojave Peaks IBA that includes relatively lush Joshua Tree woodland on the lower slopes of these peaks support strong populations of desert birds, notably Bendire's Thrasher, Juniper Titmouse, Scott's Oriole, and, in the New Yorks, Gilded Flicker. Broad-tailed Hummingbird, Plumbeous Vireo and Virginia's Warbler are common in pinyon-rich chaparral on Clark Mountain, and wherever this habitat occurs on steep-sloped canyons, Gray Vireo breed in what is likely their largest population away from eastern San Diego County. The most unusual bird communities, however, are restricted to the tops of these peaks, occurring most consistently in the fir grove on Clark Mountain. Hepatic Tanager and Whip-poor-will (*arizonae* race) virtually unknown elsewhere in California, are regular nesters on Clark, and joined by occasional strays from Arizona, including Painted Redstart, Redfaced Warbler, and Grace's Warbler.

CREZ 47 – Fairmont CREZ includes in its western extent portions of the Antelope Valley IBA. The remnant Joshua Tree Woodland in this area supports one of the farthest-west populations of Le Conte's Thrasher in the state. Now existing as a metapopulation fragmented by subdivisions, its future is uncertain. The grassland bird community is most impressive in winter, when large numbers of raptors concentrate in the area. Large flocks of Vesper Sparrows, Horned Lark and Mountain Bluebirds also occur here, widely extirpated elsewhere in the Los Angeles area. The agricultural fields, especially alfalfa, are productive year round. Winter brings Mountain Plover, whose flocks are among the last in southern California. After wet winters, nesting grassland species like Northern Harrier linger well into spring, and

occasionally even breed. Swainson's Hawk maintains its southernmost breeding outpost in the state here. As this IBA lies in the path of a major spring migrant route for songbirds, these windbreaks can host hundreds of vireos, thrushes and warblers during April and May. Fields that receive effluent from local water treatment facilities can support hundreds of White-faced Ibis and shorebirds, and these fields support a group of around 200 Long-billed Curlews in fall and winter. This IBA is seeing rapid transformation from an agricultural/wildland landscape to an urban zone of tract homes and planted trees. Much of the conservation efforts in the western Mojave (e.g. BLM's West Mojave Habitat Conservation Plan) have focused on protected the Desert Tortoise, and have not effectively reflected significant bird habitats, such as alfalfa fields in Palmdale that support numerous species.

CREZ 52 – Tehachapi CREZ is part of and adjacent to an IBA on the northwestern slope of the Tehachapi Mountains, southeast of Bakersfield. Overlooking the southern end of the Central Valley, high ridges in this area support an extensive oak woodland ecosystem (one of the largest in the state) that includes many massive, ancient individuals. Warm summer winds sweep up from the valley floor, bringing with them abundant insect prey for the birds here, including large dragonflies that congregate in exceptionally high numbers on exposed ridges. This CREZ should be modified by eliminating the proxy project area located within the Desert Tortoise Research Natural Area and the associated Mohave Ground Squirrel Core Population. Wind proxy projects located within the Jawbone-Butterbredt ACEC should also be eliminated for a variety of reasons; the area was designated in 1980 because of its important wildlife resources including the Mohave Ground Squirrel and raptors (Golden Eagle, Red-tailed Hawk, Prairie Falcon, Burrowing Owl). We strongly recommend eliminating the portion of this CREZ within the ACEC.

Transmission line analysis: Transmission and collector line descriptions and evaluations are extremely abbreviated, with the latter rarely addressed except for being displayed on the draft map. Of greatest concern are the proposed new transmission and connector lines, and those transmission lines that would require significant upgrade with a larger footprint. The complexity of the draft map, combined with multiple color layers for various mapped features and small print made review and analysis of the transmission lines extremely difficult or impossible. Further complicating our ability to provide meaningful comments is the lack of a separate map for transmission and connector lines in relationship to designated conservation areas, special status species occurrences, designated critical habitat, etc. We urge the RETI team to fully explore alternatives to the new transmission lines rather than simply identifying one preferred location associated with the most direct route and lowest cost. Maximum use of existing corridors, combined with co-located facilities should be the guiding principle in transmission line proposals. Alternatives, even though less direct and more costly, should be identified, disclosed and available for future consideration.

A review of the transmission line summaries contained in Appendix D reveals some of the details leading to our concern over the magnitude and potential impact of the transmission scenario in the Report. We find that there are 80 new transmission lines identified for California, 40 of which have a "High" environmental sensitivity rating; and in the California Desert there are 40 such lines, 31 of which have been given a "High" environmental sensitivity rating. These do not include the transmission lines that would require reconstruction footprint expansion. These alarmingly high numbers for

transmission line projects having serious environmental problems necessitates that an in-depth analysis of alternatives including use of existing rights of way and developed corridors be performed and provided to the public for further review and comment.

Proxy Projects: We do not agree with the use of proxy projects on lands as this practice is highly speculative and artificially inflates the energy production valuation of the individual CREZs, making some score higher in the rankings even if they lack actual interest by renewable energy developers. Furthermore, it appears a number of wind and solar proxy projects have been located in established conservation areas on public lands in the CDCA. We urge that concept of "proxy" projects is eliminated.

Failure to Prioritize Disturbed Lands: We believe that, at the outset, the RETI process and work products suffer from a fundamental flaw: the absence of a directive or mandate requiring that previously disturbed and degraded lands be considered to the maximum practicable degree for renewable energy production and transmission. By taking a "low impact" approach at the outset, the Report could have revealed what areas in California would be the most environmentally suitable for energy development. Unfortunately, the analysis starts out by assuming the all land is potentially available and that only the "most sensitive" or most fraught with litigation potential lands would be removed from further consideration.

Private Land Parcel Issue: The criterion that private lands need fewer than 20 separate owners per two square-miles to be considered viable for renewable energy development should be changed to a higher number. This limitation appears to be based primarily on the recommendations of solar energy developers with little or no input from the environmental community or government agencies. Simply rejecting lands with larger numbers of owners per unit area based on economic viability is a short-sighted and inappropriately shifts the focus of development opportunity to vacant public land often having high biological resources and values.

We strongly urge RETI, in conjunction with the renewable energy industry, the CEC and other agencies involved renewable energy production and transmission, to develop and implement a strategy at all levels of government to consolidate disturbed or degraded private lands, regardless of parcel size, for exclusive use as renewable energy production zones. Considering what is at stake, we believe it is worth the extra time and effort to undertake and complete this vital land consolidation strategy. This should be the highest priority. If this parcel consolidation strategy is adopted, we would expect to see a much greater emphasis placed on the renewable energy production potential on private lands within the disturbed areas shown on the draft map.

We also call attention to the apparent overlap and duplication in renewable energy planning activities underway by the CEC and the federal government. Although we are aware that renewable energy planning meetings held in California include participation by various representatives state and federal agencies involved in permitting energy projects, at the same time we think that the RETI Report and the recently announced federal Solar Energy Study Areas are inconsistent. We recommend that state and federal renewable energy planning activities become more integrated so that duplication of effort is held to a minimum, and planning strategies and procedures are consistent.

Thank you for your efforts to advance the case for renewable energy in California and for your consideration of our views. Please let us know if we can provide additional information.

Sincerely,

Dan Taylor
Director of Public Policy